

From: toby
To: Microsoft ATR
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Subject: Microsoft Settlement

The proposed final judgment is seriously flawed, incomplete, and insufficient.

The proposed remedies are largely unenforceable, do not adequately address the unlawful exclusionary actions, and will not likely provide Microsoft sufficient motivation to correct its ingrained corporate culture of anti-competitive behavior.

By themselves, the security loopholes around the full disclosure of "middleware interfaces" and server protocols are enough to render this proposed final judgment ineffective. As Microsoft is slowing learning, and as COB Bill Gates stated just this week, security MUST BE integral to their products ("middleware" and operating systems) and services (server protocols) to be reliable. To permit non-disclosure of aspects of these interfaces and protocols when there are security considerations is to make both requirements meaningless.

I would also like to specifically object to the structure of the onsite enforcement monitors. None of these three experts should be Microsoft employees, current or past. All three should be appointed by the court, and maintain no financial interest in Microsoft. As officers of the court, they need the ability to legally binding enforcement decisions.

Toby Harness

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